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F A X C O V E R P A G E

Legal Staff  
International Division

Date: March 4, 2008

Total Pages: 21  
(including cover)

To: PCT Branch,  
U.S. Patent and Trademark Office

Fax: 571.273.0459  
Phone:

From: Robert E. Krebs  
Reg. No. 25,885

Fax: 408.287.8040  
Phone: 408.292.5800  
E-Mail: rkrebs@thelen.com

Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date printed below:

Date: 03/04/2008

Signature:

Julie Arango

Re: U.S. Patent Application

Serial No.: 10/589,112 Filed: 08/10/2006

Title: SPECTROMETRY DIAGNOSTIC ELECTRONIC CIRCUIT AND ASSOCIATED COUNTING SYSTEM

Our Reference No.: 034299-708

Dear Sir:

Respectfully submitted are the following:

1. Petition to Acknowledge Original 371 Application Filing Date as Official Filing Date (2 pgs.)
2. Copies of Filing Receipt and Notice of Acceptance of Application marked with corrections (5 pgs.)
3. Copies of stamped returned postcard dated 07 May 2007, Transmittal Form, Response to Notification of Missing Requirements, stamped returned postcard dated 10 August 2006, 371 Transmittal Letter, Declaration, Power of Attorney and Petition and Notification of Missing Requirements (13 pgs.)

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper

In case of a problem with this transmission, please call the Fax Operator at 408.282.1803

JOB #	ATTORNEY #	CLIENT-MATTER	RETURN TO	ROOM #
		034299-708		

**IMPORTANT:** This fax transmission is intended only for the addressee. It contains information from the law firm of Thelen Reid Brown Raysman & Steiner LLP which may be privileged, confidential and exempt from disclosure under applicable law. Dissemination, distribution, or copying of this by anyone other than the addressee or the addressee's agent is strictly prohibited. If this transmission is received in error, please notify Thelen Reid Brown Raysman & Steiner LLP immediately at the telephone number indicated above. We will reimburse your costs incurred in connection with this erroneous transmission and your return of these materials. THANK YOU.

PATENT

Serial No.: 10/589,112

Atty. Docket No.: 034299-708

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Michel Jouve et al. CONFIRMATION NO.: 5852  
SERIAL NO.: 10/589,112  
FILING DATE: 08/10/2006  
TITLE: SPECTROMETRY DIAGNOSTIC ELECTRONIC CIRCUIT AND  
ASSOCIATED COUNTING SYSTEM  
EXAMINER: Baldrige, Benjamin M.  
ART UNIT: 4158

---

**Certificate of Transmission Under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date printed below:

Date: 03/04/2008Signature: 

Julie Arango

---

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACKNOWLEDGE ORIGINAL 371 APPLICATION**  
**FILING DATE AS OFFICIAL FILING DATE**

Sir:

Upon reviewing the enclosed documents, it is clear that all requirements were met with the original filing of the above-captioned patent application under 35 U.S.C. 371. Therefore, it is respectfully requested that the filing date of August 10, 2006 be assigned to the above-captioned application instead of the incorrect date, August 7, 2007, as assigned on the Notice of Acceptance of Application and Filing Receipt (copies marked with corrections enclosed).

The Declaration, Power of Attorney and Petition was originally filed with the application on August 10, 2006 and acknowledged as being received by the U.S. Patent Office. Proof of

PATENT

Serial No.: 10/589,112

Atty. Docket No.: 034299-708

acknowledgement is shown on the enclosed postcard, date stamped August 10, 2006 by the PCT Office of the U.S. Patent Office.

Although the Declaration and Power of Attorney fully identified the application by the International Application number and the International filing date, a "Notification of Missing Requirements Under 35 U.S.C. 371" was mailed out by the Patent Office on April 19, 2007 (copy enclosed), which stated that this information was not supplied on the Oath or Declaration at the time of filing. Applicant's agent responded with a copy of the originally filed Declaration & Power of Attorney, postcard date stamped August 10, 2006, transmittal letter, and a responsive explanation on May 1, 2007. A copy of the postcard indicating receipt of these documents on May 7, 2007 is enclosed for your convenience, as well as the previously filed documents.

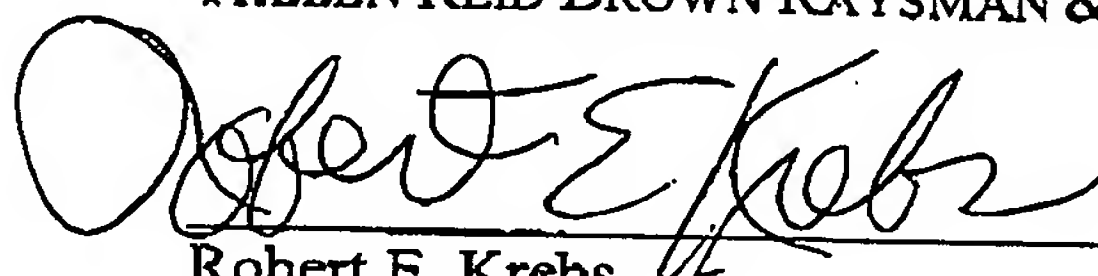
It is respectfully requested that a new Notice of Acceptance and Filing Receipt be issued with a filing date of August 10, 2006, the original filing date of this patent application.

If, in the opinion of the Examiner, an interview would expedite the issues as set forth above, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698.

Respectfully submitted,

THELEN REID BROWN RAYSMAN & STEINER LLP



Robert E. Krebs

Reg. No. 25,885

Dated: 03/04/2008

THELEN REID BROWN RAYSMAN & STEINER LLP

P.O. Box 640640

San Jose, CA 95164-0640

Tel: (408) 292-5800

Fax: (408) 287-8040



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

REK  
 GW

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/589,112	<del>08/07/2007</del> 08/10/2006	2858	900	034299-000708	10	2

Robert E Krebs  
 Thelen Reid & Priest  
 P O Box 640640  
 San Jose, CA 95164-0640

RECEIVED

AUG 30 2007

TRBRS LLP  
 Patent Docket

CONFIRMATION NO. 5852

## FILING RECEIPT



\*OC00000025551757\*

Date Mailed: 08/29/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Michel Jouve, Eguilles, FRANCE;  
 Didier Mazon, Manosque, FRANCE;

## Assignment For Published Patent Application

COMMISSARIAT A L'ENERGIE ATOMIQUE, PARIS 15EME FRANCE, FRANCE

## Power of Attorney:

Robert Krebs-25885

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/FR05/50116 02/22/2005

## Foreign Applications

FRANCE 04/50338 02/24/2004

If Required, Foreign Filing License Granted: 08/24/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/589,112**

Projected Publication Date: 12/06/2007

REVIEWED BY DOCKET



**Non-Publication Request: No**

**Early Publication Request: No**

**Title**

Spectrometry Diagnostic Electronic Circuit and Associated Counting System

**Preliminary Class**

324

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not** result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### **LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15**

#### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as



set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

REK  
EW

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/589,112	Michel Jouve	<del>084299000008</del>

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/FR05/50116

I.A. FILING DATE	PRIORITY DATE
02/22/2005	02/24/2004

Robert E Krebs  
Thelen Reid & Priest  
P O Box 640640  
San Jose, CA 95164-0640

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AUG 30 2007

TRBRS LLP  
Patent Docket

CONFIRMATION NO. 5852  
371 ACCEPTANCE LETTER

  
\*OC000000025551758\*

Date Mailed: 08/29/2007

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

08/10/2006  
~~08/07/2007~~

08/10/2006  
~~08/07/2007~~

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
(c)(4) REQUIREMENTS

DATE OF COMPLETION OF ALL 35 U.S.C. 371  
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 08/10/2006
- Copy of the International Search Report filed on 08/10/2006
- Copy of IPE Report filed on 08/10/2006
- Preliminary Amendments filed on 08/10/2006
- Information Disclosure Statements filed on 08/10/2006
- Oath or Declaration filed on 08/07/2007
- Request for Immediate Examination filed on 08/10/2006
- U.S. Basic National Fees filed on 08/10/2006
- Assignment filed on 08/10/2006
- Priority Documents filed on 08/10/2006
- Power of Attorney filed on 08/07/2007

REVIEWED BY DOCKET



- Specification filed on 08/10/2006
- Claims filed on 08/10/2006
- Abstracts filed on 08/10/2006
- Drawings filed on 08/10/2006

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

---

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

**PART 1 - ATTORNEY/APPLICANT COPY**

FORM PCT/DO/EO/903 (371 Acceptance Notice)



Serial/Patent No.: 10/589,112

Applicant: Michel Jourve et al.

Filing/Issuance Date: 08-10-2006

Title: Spectrometry Diagnostic Electronic Circuit And Associated Counting System

TRP Docket No.: 034299-708

Date Mailed: 5-1-07

Atty/Secty Initials: RBK/gw

Docket Due Date:

The following has been received in the U.S. Patent &amp; Trademark Office on the date stamped hereon:

- ☐ Amendment/Response (\_\_\_\_ pgs.)
- ☐ Appeal Brief (\_\_\_\_ pgs.) (in triplicate)
- ☐ Application - Utility (\_\_\_\_ pgs. with cover & abstract)
- ☐ Application - Rule 1.53(b) Continuation (\_\_\_\_ pgs.)
- ☐ Application - Rule 1.53(b) Division (\_\_\_\_ pgs.)
- ☐ Application - Rule 1.53(b) CIP (\_\_\_\_ pgs.)
- ☐ Application - Rule 1.53(d) CPA (\_\_\_\_ pgs.)
- ☐ Application - PCT (\_\_\_\_ pgs.)
- ☐ Application - Provisional (\_\_\_\_ pgs.)
- ☐ Assignment and Cover Sheet
- ☐ Certificate of Correction
- ☒ Certificate of Mailing
- ☐ Declaration & POA (\_\_\_\_ pgs.)
- ☐ Fee Transmittal
- ☐ Drawings (informal):  
\_\_\_\_ # of sheets includes \_\_\_\_ figures
- ☒ Other:

Copies of: the Notification; Decl &amp; POA; Transmittal Ltr to the US Designated/Elected Office; Returned Postcard..

- ☐ IDS & I\*TO 1449 ( pgs.)
- ☐ Pieces of Prior Art Enclosed
- ☐ Issue Fee Transmittal
- ☐ Submission of Formal Drawings:  
\_\_\_\_ # of sheets includes \_\_\_\_ figures
- ☐ Notice of Appeal
- ☒ Postcard
- ☐ Preliminary Amendment (\_\_\_\_ pgs.)
- ☐ Reply Brief (\_\_\_\_ pgs.)
- ☐ Req and Cert. Not to Publish - Rule 1.213
- ☐ Request for Continued Examination (RCE) (\_\_\_\_ pgs.)
- ☐ Request for Extension of Time \_\_\_\_ Month(s)
- ☒ Response to Notification of Missing Requirements
- ☐ Copy of PTO Notice to File Missing Parts
- ☒ Transmittal Letter (original)
- ☐ Express Mail No.:
- ☐ Credit Card Payment \$
- ☐ Deposit Acct. No. 50-1698 \$
- Patent Code:
- Client/Matter # 034299 - 708

IAPB Rec'd PCT/PTO 07 MAY 2007

REVIEWED BY DOCKET

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

10

Application Number

10/589,112

Filing Date

August 10, 2006

First Named Inventor

Michel Jouve

Art Unit

Not Yet Assigned

Examiner Name

Not Yet Assigned

Attorney Docket Number

034299-708

## ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☒ Reply to Notification of Missing Requirements Under 35 U.S.C. 371 in the US Designated/Elected Office (DO/EO/US)

☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

☐ After Allowance Communication to TC

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Copies of: Notification; Decl & POA; Transmittal Ltr to the US Designated/Elected Office; Returned Postcard; Postcard.

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

THELEN REID BROWN RAYSMAN & STEINER LLP

Signature

Printed Name

Robert E. Krebs

Date

5-01-07

Reg. No.

25,885

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Geneva Walls

Date

5-1-07

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Michel Jouve et al.

CONFIRMATION: 5852

SERIAL NO.: 10/589,112

FILING DATE: August 10, 2006

TITLE: Spectrometry Diagnostic Electronic Circuit And Associated Counting System

EXAMINER: Not Yet Assigned

ART UNIT: Not Yet Assigned

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to mail stop: PCT Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on the date printed below:

Date:

5-1-07

Name:

Geneva Walls

Mail Stop: PCT  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

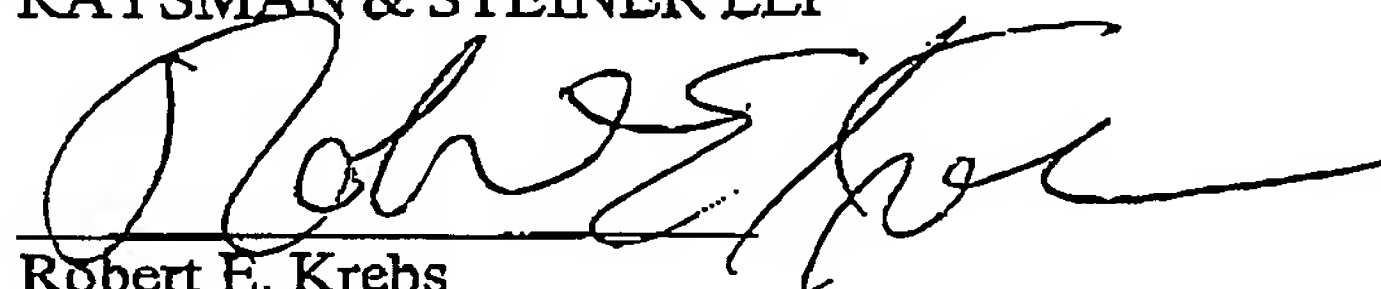
**RESPONSE TO THE NOTIFICATION OF MISSING REQUIREMENTS**

It is respectfully submitted that the Notification of Missing Requirements Under 35 U.S.C. 371 in the U.S. Designated/Elected Office (DO/EO/US) for the above-identified patent application is in error.

The Oath or declaration of the inventors was included in the Filing of August 10, 2006. Enclosed is a copy of the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 indicating submission of an Oath or Declaration of the inventor(s) (35 U.S.C. 371 (c)(4); and a copy of the Declaration Power of Attorney and Petition as filed August 10, 2006. In addition, a copy of the returned postcard indicating submission of the Declaration and POA for the above referenced patent application.

It is believed that no fee is required for filing the above-noted document. In the event any fee is required for filing of this Request for Correction, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698.

Respectfully submitted,  
THELEN REID BROWN  
RAYSMAN & STEINER LLP



Robert E. Krebs  
Reg. No. 25,885

Dated: May 01, 2007

THELEN REID BROWN  
RAYSMAN & STEINER LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Tel.: (408) 292-5800  
Fax: (408) 287-8040

DOCKETED  
SEP 12 2006

Serial/Patent No.: Unassigned

Applicant: Michel Jouve et al.

Title: Spectrometry Diagnostic Electronic Circuit and Associated Counting System

Filing/Issue Date: 8/10/06

TRP Docket No.: 034299-000708

Date Mailed: 8/10/06

Docket Due Date: 8/24/06

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☐ Amendment/Response (\_\_\_\_ pgs.)
- ☐ Appeal Brief (\_\_\_\_ pgs.) (in triplicate)
- ☒ Application - Utility (20 pgs. with cover & abstract)
- ☐ Application - Rule 1.53(b) Continuation (\_\_\_\_ pgs.)
- ☐ Application - Rule 1.53(b) Division (\_\_\_\_ pgs.)
- ☐ Application - Rule 1.53(b) CIP (\_\_\_\_ pgs.)
- ☐ Application - Rule 1.53(d) CPA (\_\_\_\_ pgs.)
- ☐ Application - PCT (\_\_\_\_ pgs.)
- ☐ Application - Provisional (\_\_\_\_ pgs.) ,
- ☐ Assignment and Cover Sheet
- ☐ Certificate of Correction
- ☐ Certificate of Mailing
- ☒ Declaration & POA (3 pgs.)
- ☐ Fee Transmittal
- ☐ Drawings (informal):

\_\_\_\_ # of sheets includes \_\_\_\_ figures

- ☒ Other:  
Credit Card Payment Forms (\$40.00 and \$900.00), Request  
PCT, PCT/IB/308, PCT/IB/311, WO 2005/085905,  
PCT/ISA/220

- ☐ IDS & PTO 1449 (\_\_\_\_ pgs.)
- ☐ Pieces of Prior Art Enclosed
- ☐ Issue Fee Transmittal
- ☒ Submission of Formal Drawings:  
# of sheets includes 7 figures
- ☐ Notice of Appeal
- ☒ Postcard
- ☒ Preliminary Amendment (5 pgs.)
- ☐ Reply Brief (\_\_\_\_ pgs.)
- ☐ Req and Cert. Not to Publish - Rule 1.213
- ☐ Request for Continued Examination (RCE) (\_\_\_\_ pgs.)
- ☐ Request for Extension of Time \_\_\_\_ Month(s)
- ☐ Response to Notice to File Missing Parts
- ☐ Copy of PTO Notice to File Missing Parts
- ☒ Transmittal Letter (original & copy)
- ☒ Express Mail No.: EV916337577US
- ☒ Credit Card Payment \$900.00
- ☐ Deposit AccL No. 50-1698 \$\_\_\_\_
- Patent Code: 1011, 1311, 1111
- Client/Matter # 034299 - 708



PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007, OMB 0551-0021  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> 034299-000708
		<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b>
<b>INTERNATIONAL APPLICATION NO.</b> T/FR2005/050116	<b>INTERNATIONAL FILING DATE</b> February 22, 2005	<b>PRIORITY DATE CLAIMED</b> February 24, 2004
<b>TITLE OF INVENTION</b> Spectrometry Diagnostic Electronic Circuit and Associated Counting System		
<b>APPLICANT(S) FOR DO/EO/US</b> LUE, Michel; MAZON, Didier		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> is attached hereto.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;">d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007, OMB 0651-0021

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. PCT/FR2005/050116	ATTORNEY'S DOCKET NUMBER 034299-000708
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Other items or information:

Requete PCT, PCT/IB/308, PCT/IB/311, WO 2005/085905, PCT/ISA/220

The following fees have been submitted:				Calculations	PTO use only
<input checked="" type="checkbox"/>	Basic national fee (37 CFR 1.492(a)).....			\$ 300	
<input checked="" type="checkbox"/>	Examination fee (37 CFR 1.492(c)) the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....			\$ 200	
<input checked="" type="checkbox"/>	Search fee (37 CFR 1.492(b)) the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....			\$ 400	
	Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....			\$ 100	
	International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....			\$ 400	
	All other situations .....			\$ 500	
TOTAL OF 21, 22 and 23 =				\$ 900	
<input type="checkbox"/>	Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	10 - 20 =	0	x \$50	\$	
Independent claims	2 - 3 =	0	x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 900	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 900	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 900	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.26, 3.31). \$40.00 per property				\$ 40	
TOTAL FEES ENCLOSED =				\$ 940	
				Amount to be refunded:	\$
				Amount to be charged:	\$

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007, OMB 0851-0021

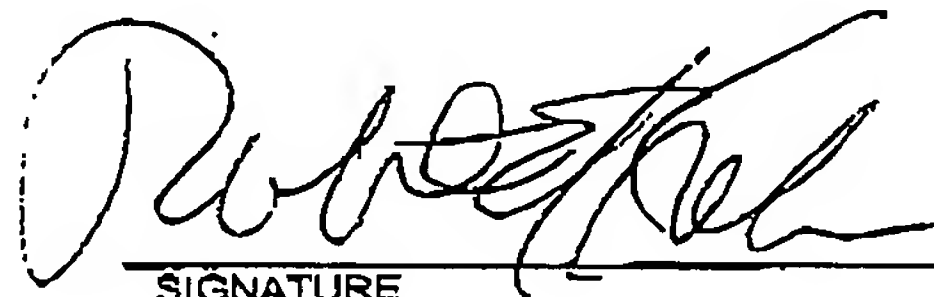
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- ☐ Please charge my Deposit Account No. 50-1698 in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1698. A duplicate copy of this sheet is enclosed.
- ☒ Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
- NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.

## END ALL CORRESPONDENCE TO:

Robert E. Krebs  
Thelen Reid & Priest LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
T: 408-292-5800  
F: 408-287-8040



SIGNATURE

Robert E. Krebs  
NAME

25,885  
REGISTRATION NUMBER

B14481.3 PR

*Declaration, Power Of Attorney and Petition*

Page 1 of 3

WE (I) the undersigned inventor(s), hereby declare(s) that :

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

SPECTROMETRY DIAGNOSTIC ELECTRONIC CIRCUIT AND ASSOCIATED COUNTING SYSTEM

the specification of which

- ☐ is attached hereto.
- ☐ was filed on  
as Application Serial No.  
and amended on
- ☒ was filed as PCT international application  
Number PCT/FR2005/050116  
on February 22, 2005  
and was amended under PCT Article 19  
on

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119 (a)-(d) or § 365 (b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application (s)

Application No.	Country	Day/month/Year	Priority Claimed	
04 50338	FRANCE	24.02.2004	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
_____	_____	_____	<input type="checkbox"/> YES	<input type="checkbox"/> NO
_____	_____	_____	<input type="checkbox"/> YES	<input type="checkbox"/> NO
_____	_____	_____	<input type="checkbox"/> YES	<input type="checkbox"/> NO

Page 2 of 3  
Declaration

We (I) hereby claim the benefit under Title 35, United States Code, § 119 (e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in these prior United States application(s) in the manner provided by 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 CFR § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT International filing date of this application.

Application Serial No.

Filing Date

Status (pending, patented,  
abandoned)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I hereby appoint; Robert E. Krebs, Registration No. 25,885; David B. Ritchie, Registration No. 31,562; Marc S. Hanish, Registration No. 42,626; John P. Schaub, Registration No. 42,125; Adrienne Yeung, Registration No. 44,000; Steven J. Robbins, Registration No. 40,299; Thierry K. Lo, Registration No. 49,097; William Samuel Niece, Registration No.: 47,824; Khaled Shami Registration No. 38,745; William E. Winters, Registration No. 42,232, Masako Ando, (37 C.F.R. §10.9 (b)); Yukiko Maekawa Registration No. 50,307 and John Klaas Uilkema, Registration No. 20,282; Becky L. Troutman, Registration No. 36,703; Hal J. Bohner, Registration No. 27,856; as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith. If this application is assigned by me I agree and understand that the above-named attorneys will represent the assignee and not me.

Please send all correspondence and direct all telephone calls to:

Thelen Reid & Priest LLP

P.O. Box 640640

San Jose, CA 95164-0640


Telephone: (408) 292-5800

Facsimile: (408) 287-8040

We (I) undersigned declare that all statements made herein of my(our) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such wilful false statements may jeopardize the validity of the application or any patent issuing therefrom.

JOUE Michel

NAME OF FIRST SOLE INVENTOR

  
Signature of Inventor

July 17, 2006  
Date

Residence : 10 Rue de l'Industrie  
15510 ELVILLES  
FRANCE

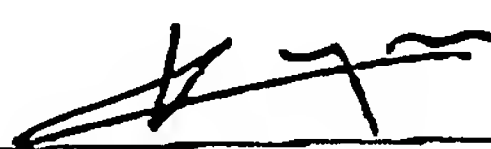
Citizen of : FRANCE

Post Office Address : The same as residence



MAZON Didier

NAME OF SECOND INVENTOR

  
Signature of InventorJULY 17, 2006  
Date

NAME OF THIRD INVENTOR

Signature of Inventor

Date

NAME OF FOURTH INVENTOR

Signature of Inventor

Date

NAME OF FIFTH INVENTOR

Signature of Inventor

Date

Residence : 37 La Rochette des  
Spels 04100 MANOSQUE  
FRANCECitizen of : FRANCE

Post Office Address : The same as residence

Residence : \_\_\_\_\_

Citizen of : \_\_\_\_\_

Post Office Address : The same as residence

Residence : \_\_\_\_\_

Citizen of : \_\_\_\_\_

Post Office Address : The same as residence

Residence : \_\_\_\_\_

Citizen of : \_\_\_\_\_

Post Office Address : The same as residence

REK  
SW

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/589,112	Michel Jouve	034299-000708

INTERNATIONAL APPLICATION NO.	
PCT/FR05/50116	
IA. FILING DATE	PRIORITY DATE
02/22/2005	02/24/2004

Robert E Krebs  
 Thelen Reid & Priest  
 P O Box 640640  
 San Jose, CA 95164-0640

RECEIVED

APR 23 2007

TRBRS L  
Patent Dc

CONFIRMATION NO. 5852

371 FORMALITIES LETTER



\*OC000000023451133\*

Date Mailed: 04/19/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/10/2006
- Copy of the International Search Report filed on 08/10/2006
- Copy of IPE Report filed on 08/10/2006
- Preliminary Amendments filed on 08/10/2006
- Information Disclosure Statements filed on 08/10/2006
- Request for Immediate Examination filed on 08/10/2006
- U.S. Basic National Fees filed on 08/10/2006
- Assignment filed on 08/10/2006
- Priority Documents filed on 08/10/2006
- Specification filed on 08/10/2006
- Claims filed on 08/10/2006
- Abstracts filed on 08/10/2006
- Drawings filed on 08/10/2006

ACTION DUE:

MISSING Parts Due

DUE/RMP DATE:

04/19/07

DEADLINE DATE:

11/19/07

DOCKET:

TW

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/589,112	PCT/FR05/50116	034299-000708